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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,954	03/29/2002	Takao Yoshimine	275753US6PCT	5975
22850	7590	09/06/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PITARO, RYAN F	
		ART UNIT	PAPER NUMBER	
			2174	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/018,954	YOSHIMINE, TAKAO	
	Examiner Ryan F. Pitaro	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4 and 6-13 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4, 6-13 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Response to Amendment*

This communication is responsive to the amendment filed 3/16/2006.

Claims 1-4 and 6-13 are pending in this application and claims 1-4 and 6-13 have been amended.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al (“Suzuki”, US 6,245,982).

As per claim 1, Suzuki teaches a data-providing apparatus for editing image data in response to a demand transmitted from a data-processing apparatus through a network, said data-providing apparatus comprising: first acquisition means for acquiring one or more scenarios (Column 10 lines 20-64), each scenario comprising a plurality of scenes and each scene lasting for a predetermined time, in response to a demand made by the data-processing apparatus (Column 8 lines 26-63, Column 10 lines 10-

16)); second acquisition means for acquiring a given number of image data items that will be used in the scenario, in response to a demand made by the data-processing apparatus (Column 11 lines 19-55); user video-data management means for storing the one or more scenarios and the image data items (Column 6 lines 41-57); receiving means for receiving the image data items transmitted by a user from the data-processing apparatus through the network (Column 7 lines 47 – Column 8 lines 21); temporary storage means for temporarily storing edited scenarios and edited image data items (Column 6 lines 45-57) means for selecting the image data items acquired by the second acquisition means and for allocating the prescribed image data items to the scenes of the scenario acquired by the first acquisition means (Column 11 lines 29-56); and editing means for editing the image data items that are allocated to the scenes of the acquired scenario (Column 11 lines 29-56).

As per claim 2, Suzuki further teaches the data-providing apparatus according to claim 1, wherein prescribed special effects are allocated to the prescribed ones of the scenes of the scenario, and the apparatus further comprises effect-applying means for applying the special effects to the image data items allocated to the scenes (Column 15 lines 12-37, Column 18 lines 55-58).

As per claim 3, Suzuki further teaches the data-providing apparatus according to claim 2, further comprising transmission control means for controlling the transmission of the image data generated by applying the special effects to the image data items by the effect-applying means

(Column 11 lines 12-37, Column 18 lines 55-58).

As per claim 4, Suzuki further teaches the data-providing apparatus according to claim 2, further comprising recording control means for controlling the recording of the image data generated by applying the special effects to the image data items by the effect-applying means (Column 11 lines 12-37, Column 18 lines 55-58).

As per claim 6, Suzuki teaches wherein different pieces of music are allocated to the plurality of scenarios (Figure 5A).

As per claim 7, Suzuki further teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from the data-processing apparatus (Column 11 lines 19-55).

As per claim 8, Suzuki further teaches the data-providing apparatus according to claim 1, wherein the second acquisition means acquires the image data items supplied from another data-processing apparatus (Column 7 lines 48-67).

As per claims 9,10,12 they are of similar scope to claim 1 and are rejected under the same

rationale (see rejection above).

As per claim 11, Suzuki teaches the data providing apparatus according to claim 1, wherein the editing means is capable of editing the image data items transmitted by the user and received by the receiving means, together with the one or more scenarios and the image data items stored at the user-video data management means (Column 11 lines 28-56).

As per claim 13, it is similar in scope to that of claim 11, and is therefore rejected under similar rationale.

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-4,6-13 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ryan Pitaro  
Art Unit 2174  
Patent Examiner

RFP

✓ *Ryan Pitaro*  
*by LUV*  
*PRIMARY EXAMINER*